

UTAH INDIGENT DEFENSE COMMISSION BY-LAWS

Article I – Name and Office

4. Name. The name of this body shall be the Utah Indigent Defense Commission.
4. Principal Office. The principal office of the Commission shall be at 370 East South Temple, Salt Lake City, Utah 84111.

Article II – Purpose and Scope

1. The purpose, duties, powers, responsibilities, authority and organization of the Indigent Defense Commission (the Commission) shall be in accordance with Utah Code Annotated Title 77, Chapter 32, Part 8 and other applicable Utah laws, as amended.
2. These by-laws supplement applicable law and where inconsistent with Utah law, Utah law shall take precedence.

Article III – Leadership

1. As provided by statute, the Governor shall appoint one of the initial Commission members to serve as Chair of the Commission for a term of one year. At the expiration of that year, or upon the vacancy in the membership of the appointed chair, the Commission shall annually elect a Chair from the Commission's membership to serve a one-year term.
2. A Commission member may not serve as Chair of the Commission for more than three consecutive terms.
3. The Commission reserves the right to create an executive committee if it deems necessary.

Article IV – Duties of Officers

1. The Chair shall preside at and conduct all meetings of the Commission.
2. The Director shall act as assistant to the Chair and perform such duties as may be assigned by the Chair and Commissioners.
3. Should the Chair be absent or otherwise unable to perform all the duties of that position, the Chair shall designate directly, or request that the Director designate, a Commissioner to temporarily perform the duties of the Chair outlined in the relevant statutes and in these by-laws.

Article V – Meetings

1. The Commission shall meet regularly, or upon the request of any member of the Commission or Director. Statutorily-required notice of the agenda, date, time, and place of such meetings shall be given.
2. Each Commissioner who is statutorily-designated as a voting Commissioner, who is present at any meeting of the Commission, shall be entitled to one vote. There shall be no voting by proxy at any meetings of the Commission or any committees thereof. If a Commission member must miss a meeting, the member may participate and vote by participating in the meeting directly, as it occurs, either electronically or by phone. Without live participation (electronic or in person) at a meeting, a Commissioner may not cast a vote.
3. If a Commissioner elects to participate in a scheduled meeting by telephone or other electronic means, the Commissioner must notify the Director of that intent **24 hours prior to the meeting.**
4. All regular meetings of the Commission are open to the public unless closed pursuant to the provisions of the Open and Public Meeting act, Utah Code §§ 52-4-4 and 52-4-5, as amended.

Article VI – Commissioner Guidelines

1. **Qualifications:** If a sitting Commissioner ceases to meet the qualifications of the appointment or accepts another position which creates a conflict of interest with the statutory mission of the Commission, the Commissioners should determine by a vote of a quorum of Commissioners, whether to terminate or continue the membership of the Commissioner with the conflict, on the Commission.
2. **Officers and Employees Ethics Act:** All Commissioners, as well as all non-Commissioner participants on committees, and Commission staff, shall conduct Commission business in accordance with the provisions of Utah Code § 67-16-1 et. seq. or any other applicable state, federal, municipal, county or local ethics law, ordinance, rule or regulation.
3. **Conflicts of Interest:**
 - a. A Commissioner has a potential conflict of interest, if the Commissioner's participation would be prohibited under Title 67, Chapter 16, the Utah Public Officers' and Employees' Ethics Act;
 - b. A potential conflict of interest includes any direct and immediate interest or relationship, including financial interest, with persons, businesses, non-profit entities, which are regulated by or directly affected by decisions of the Commission; and includes people or organizations that may present requests or issues before the Commission.

- c. Under Utah Code § 67-16-11(2)(b), a conflict of interest does not include a conflict of interest between two or more government positions held by the same individual, unless the conflict of interest is also due to a personal interest of the individual that is not shared by the general public.

4. Procedures:

- a. A Commissioner with a potential conflict of interest shall make full disclosure of the potential conflict to the Commission; and
- b. The Commissioner shall refrain from directly or indirectly influencing the Commission's decision on the specific issue which gave rise to the conflict of interest.
- c. A conflict of interest shall not bar a Commissioner from voting so long as there is full disclosure of any potential conflict and approval of the Commissioner's vote by a quorum of voting Commissioners.
- d. This rule does not preclude a board member from participating in a general discussion as a subject matter expert.

Article VII – Committees

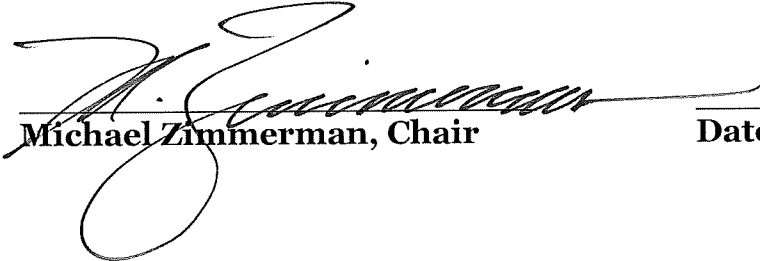
1. Special subcommittees may be created by the Commission to serve the interests of the Commission. Non-Commission members may serve on these subcommittees as deemed appropriate, but at least one Commissioner and a staff member must sit on any subcommittee.
2. No final decisions may be made by subcommittees. Subcommittees may, through the Commissioner on the subcommittee make recommendations to the full Commission.

Article VIII – Policies & Procedures

1. The Commission and its staff, shall agree to follow all State Finance Accounting Policies and Procedures, as set forth by the State, and as amended.
2. The Commission and its staff, shall agree to follow all State Department of Human Resource Management Rules, as set forth by the State, and as amended.
3. The Commission shall develop and adopt Commission Grant Management and Monitoring Policies and Procedures, to provide consistency, accountability, recommendations, and supervision for state grant monies entrusted to the Commission.

Article IX – Amendments

Proposed changes to the by-laws may be presented at any regular meeting of the Commission and must be approved by the majority vote of the Commissioners present at the meeting. Formal, proposed amendments to the by-laws must be submitted in writing to all members of the Commission, and vote by a quorum of the Commissioners is required for the adoption of any such amendment. Amendments become effective immediately upon ratification.



Michael Zimmerman, Chair

Date 5/18/17